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Attorneys for Defendant Google LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

CHASOM BROWN, et al., on behalf of
themselves and all others similarly situated,

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.

Case No. 4:20-cv-03664-YGR-SVK

**DECLARATION OF TRACY GAO IN
SUPPORT OF ADMINISTRATIVE
MOTION TO SEAL PORTIONS OF
JOINT STATUS REPORT PURSUANT
TO DKT. NO. 830**

Referral: Hon. Susan van Keulen, USMJ

PATRICK CALHOUN, et al., on behalf of
themselves and all others similarly situated,

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.

Case No. 4:20-cv-05146-YGR-SVK

**DECLARATION OF TRACY GAO IN
SUPPORT OF ADMINISTRATIVE
MOTION TO SEAL PORTIONS OF
JOINT STATUS REPORT PURSUANT
TO DKT. NO. 960**

Referral: Hon. Susan van Keulen, USMJ

I, Tracy Gao, declare as follows:

1. I am a member of the bar of the State of California and an attorney with Quinn Emanuel Urquhart & Sullivan, LLP, attorneys for Defendant Google LLC (“Google”) in this action. I make this declaration of my own personal, firsthand knowledge, and if called and sworn as a witness, I could and would testify competently thereto.

2. Pursuant to Civil Local Rule 79-5, I submit this declaration in support of Google LLC’s Administrative Motion to Seal portions of the Joint Status Report Pursuant to *Brown* Dkt. No. 830 and *Calhoun* Dkt No. 960 (“Status Report”). In making this request, Google has carefully considered the relevant legal standard and policy considerations outlined in Civil Local Rule 79-5. Google makes this request with the good faith belief that the information sought to be sealed consists of Google’s confidential and proprietary information and that public disclosure could cause competitive harm.

3. I have reviewed the document to be filed under seal pursuant to Civil Local Rule 79-5. Based on my review, there is good cause to seal the following information:

Document(s) to be Sealed	Basis for Sealing
Joint Status Report Pursuant to <i>Brown</i> Dkt. No. 830; Joint Status Report Pursuant to <i>Calhoun</i> Dkt. No. 960 Pages 1:11-12, 1:14, 1:23, 1:25, 1:28, 2:1-3, 2:5-6, 2:9-10, 2:13-15, 2:18-19, 2:24, 3:5-9, 3:12, 3:19, 4:3-6, 4:8, 4:16, 4:27, 5:2, 5:13, 5:27, 6:13-14, 6:16-22, 6:24-28, 7:1-2, 7:7, 7:9, 7:12	The information requested to be sealed contains non-public, sensitive confidential business information related to Google’s internal technological systems that could affect Google’s competitive standing and may expose Google to increased security risks if publicly disclosed, including various types of Google’s internal projects, internal data sources, and their proprietary functionalities, which Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google’s competitors. Such confidential information reveals Google’s internal systems and operations. Public disclosure of such confidential information could affect Google’s competitive standing as competitors may alter their system designs and practices relating to competing products, time strategic litigation, or otherwise unfairly compete with Google.
Exhibit 1 to Trebicka Declaration – Jan. 10, 2023 <i>Brown</i> Hearing Transcript Pages 7:15-16, 8:9-10, 8:18, 8:21-22, 9:2-3, 9:5, 9:25, 12:5, 12:18, 12:25, 13:4, 15:16-18, 15:25, 16:8,	The information requested to be sealed contains non-public, sensitive confidential business information related to Google’s internal technological systems that could affect Google’s competitive standing and may expose Google to increased security risks if publicly disclosed, including various types of Google’s internal projects, internal data sources, and their proprietary functionalities, which Google

1 2 3 4 5	16:11-12, 17:6, 17:8, 18:6-10, 18:13-16, 18:18, 19:17-18, 20:11, 21:23-24, 22:25, 26:10, 28:10, 28:21-22, 29:1-2, 29:4-7, 29:10-11, 29:16, 30:4, 31:23, 34:22-24, 35:19, 35:22-23, 35:25	maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential information reveals Google's internal systems. Public disclosure of such confidential information could affect Google's competitive standing as competitors may alter their system designs and practices relating to competing products, time strategic litigation, or otherwise unfairly compete with Google.
6 7 8 9 10 11 12 13 14	Exhibit 2 to Trebicka Declaration – Jan. 26, 2023 Letter to <i>Brown</i> and <i>Calhoun</i> Pages 1-6	The information requested to be sealed contains non-public, sensitive confidential business information related to Google's internal technological systems that could affect Google's competitive standing and may expose Google to increased security risks if publicly disclosed, including various types of Google's internal projects, internal data sources, and their proprietary functionalities, which Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential information reveals Google's internal systems and operations. Public disclosure of such confidential information could affect Google's competitive standing as competitors may alter their system designs and practices relating to competing products, time strategic litigation, or otherwise unfairly compete with Google.
15 16 17 18 19 20 21 22 23	Exhibit 3 to Trebicka Declaration – Jan. 28, 2023 Letter to <i>Brown</i> and <i>Calhoun</i> Pages 1-2	The information requested to be sealed contains non-public, sensitive confidential business information related to Google's internal technological systems that could affect Google's competitive standing and may expose Google to increased security risks if publicly disclosed, including various types of Google's internal projects and internal databases, which Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential information reveals Google's internal systems and operations. Public disclosure of such confidential information could affect Google's competitive standing as competitors may alter their system designs and practices relating to competing products, time strategic litigation, or otherwise unfairly compete with Google.
24 25 26 27 28	Exhibit 4 to Trebicka Declaration – Jan. 30, 2023 Letter to <i>Brown</i> and <i>Calhoun</i> Pages 1-4	The information requested to be sealed contains non-public, sensitive confidential business information related to Google's internal technological systems that could affect Google's competitive standing and may expose Google to increased security risks if publicly disclosed, including various types of Google's internal projects, internal data sources, and their proprietary functionalities, which Google maintains as confidential in the ordinary course of its business and is not generally known to the public or

	Google's competitors. Such confidential information reveals Google's internal systems and operations. Public disclosure of such confidential information could affect Google's competitive standing as competitors may alter their system designs and practices relating to competing products, time strategic litigation, or otherwise unfairly compete with Google.
<p>Trebicka Exhibit 5 – Jan. 10, 2023 <i>Calhoun</i> Hearing Transcript</p> <p>Pages 5:25, 6:2, 6:4, 6:13, 8:1, 8:3, 17:11, 18:20, 18:25, 19:1-2, 21:1, 21:22, 22:21, 25:5, 25:17, 25:20, 25:23, 26:4, 26:8-10, 26:16-17, 28:1</p>	The information requested to be sealed contains non-public, sensitive confidential business information related to Google's internal technological systems that could affect Google's competitive standing and may expose Google to increased security risks if publicly disclosed, including various types of Google's internal projects and internal databases, as well as internal metrics, which Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential information reveals Google's internal systems and operations. Public disclosure of such confidential information could affect Google's competitive standing as competitors may alter their system designs and practices relating to competing products, time strategic litigation, or otherwise unfairly compete with Google.
<p>Trebicka Exhibit 6 – Jan. 23, 2023 Correspondence</p> <p>Pages 1, 3-4</p>	The information requested to be sealed contains non-public, sensitive confidential business information related to Google's internal technological systems that could affect Google's competitive standing and may expose Google to increased security risks if publicly disclosed, including various types of Google's internal projects and internal databases, which Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential information reveals Google's internal systems and operations. Public disclosure of such confidential information could affect Google's competitive standing as competitors may alter their system designs and practices relating to competing products, time strategic litigation, or otherwise unfairly compete with Google.

4. Google's request is narrowly tailored in order to protect its confidential information. These redactions are limited in scope and volume. Because the proposed redactions are narrowly tailored and limited to portions containing Google's highly-confidential, or confidential information, Google requests that the portions of the aforementioned documents be redacted from any public version of those documents.

6. For the reasons discussed in the Motion, Google respectfully requests that the Court order the identified portions of the Status Report to be sealed.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct. Executed in Washington DC on January 31, 2023.

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

Xi (“Tracy”) Gao

Attorney for Defendant